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22917 7590 05/27/2008 MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER LAI, ANDREW	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Continuation of 11 of PTOL-303:

1. In responding to Examiner's Final Rejection mailed to Applicant on May 5, 2008, Applicant presented further arguments. These arguments are fully considered but are not persuasive.

2. Currently, all claims remain to be the same as they were prior to said final rejection (except claim 27 wherein Applicant corrected 112 2nd indefinite issues). Over the Independent claims, Applicant's arguments are drawn to the feature of *explicit request for said route message being received from the first node*.

Applicant argues (Remarks page 7 last paragraph) "Applicants respectfully disagree that Williams discloses or suggests this feature. In the Examiner's cite of col. 1 line 66 to col. 8 line 1, there is no mention that the echo route packet is sent without a request. Nor does the Examiners cite of fig. 5 lend any further support therefor. Instead Williams echo route packet service is performed only in response to a specific communication, which implies a request, unlike applicant's invention that uses periodic messaging, without regard to a specific request if any".

Examiner respectfully disagrees.

Let's first take a look, again, at what is claimed. In claim 1 (other independent claims essentially have the same), it is claimed that "the second communication node sending a route message to the first communication node without any explicit request for said route message being received by the said second communication node from the first communication node, wherein said route message includes the care-of route".

It is very clear that it is, as claimed, the second node that does not explicitly request for a route message being received thereat from the first node before the second node sends to the first node a route message with the care-of route therein.

Then the question that needs to be answered, regarding Williams, is: does Williams require the **second node** to send a request to the first node for receiving a route message? The answer is clearly No, Williams does not.

Let's take a look, again, at what Williams does.

First of all, Williams says (col. 7 line 66 - col. 8 line 1) "The echo route packet [reading on Applicant's *route message*] is sent by the source node [reading on Applicant's *first node*] to the destination node (destination host server) [reading on Applicant's *second node*] to collect node IDs along its route". Nowhere does Williams ever require the *second communication node explicitly request for said "echo route packet" being received by the said second communication node from the first communication node.* All Williams suggests is that the source node sends at its own initiative, for this, Examiner respectfully refer the Applicants to the following further teachings in Williams.

In col. 7 lines 62-64, Williams says (emphasis added) "To obtain a list of nodes and the transversal time between the source and the destination nodes, the source node (host server) creates an echo packet". It is obvious to one skilled in the art to understand and appreciate that said "creates" indicates a self-initiated or proactive action by the source node **without** a prior request for such from the destination node.

Further and even more expressly, Williams teaches (col. 8 lines 8-9, emphasis added) "Echo route packet packets are sent to the destination node by the source node on a regular interval", again without requiring the destination node send a request first. Also, Applicant is invited to compare this teaching with what is argued in above and to see how exactly they read on each other ("... applicant's invention [that] uses periodic messaging without regard to a specific request if any")

On the other hand, Examiner would like to point out the following inconceivable scenario if Williams were like what Applicant asserted (emphasis added) "Williams echo route packet service is performed only in response to a specific communication, which implies a request"

Note again that what we are talking about here is whether the second or destination node requests for receiving an echo route packet or route message from the first or source node. Note also that in a network, a destination node would have no prior knowledge at all what particular nodes would be its source nodes. Therefore, if Williams were really implying a request [being sent from the destination node to the source node], as Applicant asserted, then the destination node would have to send such requests to all possible source nodes in the network. Note that in a network such possible source nodes would be an enormously large number, which in turn requires an enormously large number of such messages being sent. Further more, in a network, every node is a destination node as well as a source node. This would mean that each and every node would do the same in order to implement Williams, if Williams were what the Applicants interpreted to be. This would be inconceivable to one skilled in the art because it would mean that the network will be flooded with such messages. On the

other hand, by having the source node to send such "echo route packet" without destination nodes' requests first, such inconceivable flooding is avoided because, as obvious to one skilled in the art, the source node knows exactly what its particular destination nodes would be by looking at the destination address of the packets it intend to send. This is clearly the teachings of Williams.

3. Applicant also argues (Remarks page 8 second paragraph) "Applicant also disagrees with the Examiner's statement that applicant's argument says 'that the first node is sending a request', since nowhere does applicant make such statement".

Examiner respectfully disagrees.

When Examiner made cited statement previously, Examiner was referring to Applicant's previous Remarks page 10 second paragraph wherein Applicant says (emphasis added) "The [Williams] list of intermediate addresses (forming the path is only) sent by the second node (destination node) to the first node (source node) in response to a request from the **first** node to the **second** node". Examiner pointed out that this was not the issue to be argued over because Applicant's claim is about second node not sending a request to the first node. It is noted that Applicant argues the same in the present Remarks (page 8 fifth paragraph), which is irrelevant for the same reason stated above.

4. Applicant also argues (Remarks page 8 third paragraph) "Applicants also disagree with the Examiner's statement that the words 'sent proactively' are a needed element of claim 1, since 'proactively' implies that an action is taken without input from elsewhere, which is exactly the same 'without an explicit request'".

Examiner respectfully points out that, while "proactively" appears to be reading, correctly, on "without an explicit request", such a reading should not be taken out of context. The context is that such "an explicit request" is claimed to be a request from the second or destination node, which is not sent in that direction and Williams is NOT sending it.

5. Applicant further argues (Remarks page 8 fourth paragraph), in more general terms, "From a technical standpoint it is clear that Williams and applicant's invention address two different problems..."

While this argument stands, Examiner respectfully reminds the Applicant, again, that what are being examined are the claimed features in stead of the whole invention. Since Williams teaches the particularly claimed features, the difference of problems to be resolved is irrelevant. Secondly, even talking about the nature of the problem Applicant is addressing, namely, "optimizes the routing path (number of hops) towards nodes located behind (one or more) mobile routers" (Remarks page 8 fourth paragraph), Williams essentially teaches the same, e.g., "unique routes could be derived from routes obtained by using echo route packets", col. 8 lines 53-54.

6. Regarding Applicant's argument of (Remarks 8 fourth paragraph) "Williams does not suggest or disclose intermediates nodes in the path being mobile routers".

Examiner respectfully points out that this argument is irrelevant because Ernst provided the teaching of intermediate nodes being mobile routers, as detailed in the final rejection.

7. Finally, Applicant's other arguments regarding other references are all drawn to the feature of without second node's explicit request for a route message. This feature has been fully addressed hereinabove.

/Andrew Lai/
Examiner, Art Unit 2616
May 13, 2008

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Supervisory Patent Examiner, Art Unit 2616